

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Respondent,  
v.  
RODNEY BUTLER,  
Movant.

No. 2:04-cr-00019-MCE-JFM

**MEMORANDUM AND ORDER**

Rodney Butler ("Movant"), a federal prisoner proceeding pro se, has timely filed a notice of appeal of this court's July 25, 2013 denial of his motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. (ECF No. 141.) Before movant can appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The court must either issue a certificate of appealability indicating which issues satisfy the required showing or must state the reasons why such a certificate should not issue. Fed. R. App. P. 22(b).

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1 For the reasons set forth in the Court's July 25, 2013 Order, Movant has not made  
2 a substantial showing of the denial of a constitutional right. (ECF No. 138.) Accordingly,  
3 a certificate of appealability should not issue in this action.

4 IT IS SO ORDERED.

5 Dated: August 30, 2013

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9 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
10 UNITED STATES DISTRICT COURT  
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